

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ROOSEVELT WATTS,

Petitioner,

v.

Civil No. 10-11548-BC  
Honorable Thomas L. Ludington

CAROL HOWES,

Respondent.

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**OPINION AND ORDER GRANTING PETITIONER'S MOTION TO DISMISS,  
DISMISSING WITHOUT PREJUDICE THE PETITION FOR A WRIT OF  
HABEAS CORPUS, AND DENYING A CERTIFICATE OF APPEALABILITY**

Petitioner Roosevelt Watts filed a motion to voluntarily dismiss his pending petition for a writ of habeas corpus on March 28, 2011. Petitioner seeks an opportunity to return to the state courts to pursue additional challenges to his state criminal proceedings. The Court previously denied Petitioner's motion to stay this proceeding so that he could exhaust additional claims in the state courts. The Court emphasized that all of the claims identified in the petition were exhausted, and that Petitioner could seek voluntary dismissal of this proceeding to exhaust additional claims if he preferred. The one-year statute of limitations for filing habeas petitions had not yet begun to run when this petition was filed. As a result, Petitioner will have time to refile a federal habeas petition after exhausting additional claims in state court. Petitioner indicates in the current motion that he has elected to voluntarily dismiss this proceeding to exhaust additional state claims.

Accordingly, it is **ORDERED** that Petitioner's motion to dismiss is **GRANTED** and the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. Additionally, a certificate of appealability is **DENIED** as reasonable jurists could not debate the correctness of the

Court's procedural ruling. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). This order closes this case. Should Petitioner wish to seek federal habeas relief following the exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: April 11, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and on Roosevelt Watts, #227106 at Lakeland Correctional Facility, 141 First Street, Coldwater, MI 49036 by first class U.S. mail on April 11, 2011.

s/Tracy A. Jacobs  
TRACY A. JACOBS